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December 20, 2022

Hon. Jed S. Rakoff, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 14B
New York, New York 10007-1312

Re: Advance Magazine Publishers Inc. d/b/a Condé Nast v. Graham, et al.,
No. 1:22-cv-09517-JSR

Dear Judge Rakoff:

We represent Plaintiff Advance Magazine Publishers Inc. d/b/a Condé Nast in the above-referenced action. We write to respectfully request an order directing the Court's Civil Case Opening Unit to designate the Complaint and accompanying exhibits at ECF Docket Number ("DE") 2 in this action as the operative pleading.

On November 7, 2022, we initiated this action through the Court's CM/ECF system and encountered technical issues during the case-initiation process. During the submission of the Complaint and its exhibits, the CM/ECF system "timed-out" and then "refreshed," causing none of the exhibits to be filed to the docket with DE 1. In accordance with the instructions provided on the CM/ECF system and consistent with the guidance set forth in the Court's CM/ECF Electronic New Civil Case Opening Manual, we re-filed the same Complaint and exhibits a second time. That filing was successful and now appears as DE 2. However, DE 2 was subsequently designated by CM/ECF as a "deficient pleading" given the prior filing of a Complaint as DE 1. We have contacted the Court's Civil Case Opening Unit, and they have advised that an order from Your Honor is required to correct this matter.

In view of the foregoing circumstances, we respectfully request that Your Honor order, by letter endorsement, that the Complaint and accompanying exhibits filed at DE 2 be designated as the operative pleading, replacing in full the Complaint filed at DE 1.

We thank the Court for its attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jed S. Rakoff' or 'Jed Rakoff'. A curved arrow points from the 'Sincerely,' line to this signature.
Frank D. D'Angelo
Partner

cc: Counsel of record (via e-mail)